

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SPARTON TECHNOLOGY, INC.,  
A New Mexico corporation,

Plaintiff/Counter-Defendant,

-vs-

Case No. 02-CV-73819-DT  
Hon: AVERN COHN

UTIL-LINK, LLC, a Delaware Limited  
Liability Company, NATIONAL RURAL  
TELECOMMUNICATIONS COOPERATIVE,  
a District of Columbia corporation,

Defendants/Counter-Plaintiffs.

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**ORDER REINSTATING PLAINTIFF'S CLAIMS OF PROMISSORY ESTOPPEL  
AND EQUITABLE ESTOPPEL**

This is a commercial dispute currently in trial. The Court, pretrial on defendants' motion for summary judgment, dismissed plaintiff's claims of promissory and equitable estoppel. After several days of trial, however, the Court came to the conclusion dismissal of these claims was premature, and that there was evidence in the record, albeit incomplete, that the claims may have merit. Accordingly, the Court invited a motion from plaintiff to reinstate the claims. Plaintiff filed a motion; the issue has been briefed.

Defendants' assertion that plaintiff agreed to dismiss these claims lacks merit. The parties never came to agreement on the terms of the dismissal. In any event, the Court adjudicated the claims on the merits when it ordered dismissal. The Court erred in doing so. This frequently happens when a decision is made on papers and in advance of proofs in open court. Jeremy Bentham said the most important thing in law is the rectitude of

decision. To assure this expectation, the claims of promissory and equitable estoppel should be in the case. Accordingly, the Order of September 2, 2004 is VACATED to the extent it dismissed the claims of promissory and equitable estoppel.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 30, 2005, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager  
(313) 234-5160